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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/839,697 | 04/20/2001 | John D. Lowrance | SRI/4061-2 | 1784 |

52197 7590 05/03/2011
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| EXAMINER |
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NGUYEN, TAN D

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| ART UNIT | PAPER NUMBER |
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3689

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| MAIL DATE | DELIVERY MODE |
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05/03/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/839,697 | Applicant(s) LOWRANCE ET AL. | |
| | Examiner Dean Tan Nguyen | Art Unit 3689 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-35,37,38 and 41-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-35,37,38 and 41-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/25/2011</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/2010 has been entered.

Response to Amendment

2. The amendment of 10/19/2010 has been entered.
- a) Claims pending: 23-35, 37-38 and 41-57 are pending.
 - c) Claims canceled: 1-22, 36, 39-40.
- The pending claims comprising of 2 groups:
- 1) method: 23-35, 37-38 and 57,
 - 2) computer readable storage medium (CRSM): 41-56.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 23-35 and 37-38, 57 (method) and 41-56 (medium or CRSM) are rejected under 35 U.S.C. 103(a) as being unpatentable over (1) JENNINGS ET AL. in view of (2) LAZAROFF or vice versa.**

As for independent claims 23 and 41, JENNINGS ET AL. et al fairly discloses an analytical system and a CRSM for accessing or generating an argument/reason supporting a conclusion for a given situation, the method comprising:

a) presenting to a user a plurality of searchable forms, wherein a subset of the plurality of searchable forms is relevant to the given situation;

{see col. 17, lines 57-67 “...*participants to select and predict a number of variables from among a set of pre-designated variables...*”, col. 18, lines 1-67}

b) receiving from said user a selection of one of said plurality of searchable forms from said subset that is relevant to the given situation, said one of said plurality of searchable forms being a relevant form most related to the given situation and including a plurality of queries;

{see Figs. 1 “*Join the tournament... **Participate in forums** and other **community activities...**”, Figs. 2, 3, 4, col. 61, lines 16-65 “*estimation of commodity spot and futures prices, ... in crop forecasting... consumer and/or **social trends...**”,**

c) displaying a plurality of queries (questions) to the user, each of said plurality of queries has a categorical scale of likelihood (indicator) regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses; said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user;

{see col. 21, lines 8-47 “**survey questions....additional survey questions...**”, “*participants may also be asked to provide indicatorsone question might be whether the DJIA **will be up or down (an up/down indicator)** when comparing tomorrow’s close to today’s close...*”, col. 4, lines 1-5 “*computing the likely economic impact from various policy changes...*”}

d) presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

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{see Figs. 1, 3, elements 3a "Site Map", 3b "Library", col. 16, lines 12-40}

e) receiving from said user one or more user responses to said plurality of queries where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the -plurality of queries,

{see Figs. 5A, 5B, cols. 25-26}

f) linking to materials on the **basics** of making predictions (forecasting)

{see Figs. 3, 4, col. 16, lines 12-65}

h) evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

{see col. 21, lines 8-47 "**survey questions....additional survey questions...**", "*participants may also be asked to provide indicatorsone question might be whether the DJIA **will be up or down (an up/down indicator)** when comparing tomorrow's close to today's close...*", col. 4, lines 1-5 "computing the likely economic impact from various policy changes..."} }

i) forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant form, the one or more user responses, the supporting evidence, and the conclusion; and

j) publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review,

{see col. 61, lines 15-40}

wherein at least one of: said presenting to a user a plurality of searchable templates, said receiving from said user a selection, said displaying said plurality of queries, said presenting to the user at least one discovery tool, said receiving from said user one or more user responses, said receiving from said user supporting evidence, said associating, said evaluating, said forming, or said publishing is performed using a processor.

{see Figs. 1, 2, 6, 12-13}.

As for the types of searchable input forms, i.e. templates, in view of the teachings of plurality of forms on Figs. 5A, 5B, 6 and 7, cols. 27-28, the use of other types of well known input/output forms such as templates would have been obvious if desired due to choices, situations, events, etc.

JENNINGS ET AL. fairly teaches the claimed invention except for “receiving” step with respect to the “receiving the supporting evidence” feature, queries in a hierarchical structure and steps “associating”, “evaluating” and “forming”.

In another system/method for managing a survey with respect public opinion research or strategies, political research or strategies, etc., LAZAROFF discloses the steps of:

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- presenting to a user a plurality of searchable forms/templates relevant to a given situation, wherein the give situation deals
- {see page 8, Figs. 4-1, 5-1, 5.2Figs. 3, 7A, 7B, pars. [0146]}
- displaying a plurality of queries (questions) to the user wherein each of the query has a categorical scale of likelihood regarding whether the given situation, queries in a hierarchical structure, the categorical scale of likelihood being represented by a plurality of potential responses; said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user {see Figs. 7A, 7B, pars. [0149 “...either a positive or negative reaction....”,
 - Figs. 4-3, 4-8, 4-11, 4-12, 4-14, 4-15, 4-27, pages 23-25.
- receiving from said user one or more user response to the plurality of queries (questions) ;
- analyzing the user responses in details and **make presentation of strategic recommendations** regarding the above strategies.

{see Figs. 4-1, 4-26, Figs. 6-1, pages 5, 8, 31-32, 36, 42-43 }

Therefore, it would have been obvious to modify the teachings of issue forecasting and Forum discussion of JENNINGS ET AL. with a discussion about public opinion research or strategies, political research or strategies and including above element/steps as taught by LAZAROFF KUPERSMIT for the benefits as shown on first

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paragraph of page 6 *“to assist crisis managers..”, “collaborative virtual environment that encourages dialogs and sharing of ideas...”*.

Alternatively, the teachings of LAZAROFF is cited above. Therefore, it would have been obvious to modify the teachings of LAZAROFF with steps for an analytical system and a CRSM for accessing or generating an argument/reason supporting a conclusion for a given situation as taught by JENNINGS et al. as mere selection other well known steps for an analytical system and a CRSM for accessing or generating an argument/reason.

As for dep. claims 24-26 (dep. of 23 above), and 42-45 (dep. of 41 above), which deal with queries/response parameters, i.e. from a plurality of users and comments from user, these are taught in JENNINGS ET AL. Fig. 3, 12, col. 16, lines 41-65, cols 18-19, or LAZAROFF Figs. 4-10 to 4-16. Furthermore, in claims 25 and 44, the features/limitations followed the “allow clause” and “intended use” phrase clause “... to (verb)”, which are presumed to have no patentable weight as shown above.

As for dep. claims 27-31 (dep. of 23 above) and 46-50 (dep. of 41 above), which appear to be dealt with features of the queries/types of questions, these are taught in LAZAROFF pages 14, 23-25, 27-29.

As for dep. claims 32-35 (dep. of 23 above) and 51-54 (dep. of 41 above), which appear to be dealt with features of the queries/types of questions, these are taught in LAZAROFF pages 14, 23-25, 27-29.

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As for dep. claims 37-38 (dep. of 23 above) and respective 55-56 (dep. of 41 above), which deal with the searchable template parameter, i.e. association with a situation descriptor, this is taught in LAZAROFF pages 11, 22-24, 31-32, 38-40, and Figs. 4-11 to 4-14, and 4-24 to 4-25.

As for dep. claim 57 (dep. of 23 above) which deal with associating of rationale to the queries received, this is taught in LAZAROFF pages 10-11, 14-15, and 41-44.

No claims are allowed.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

1. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

2. Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

Hand delivered responses should be brought to the

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3. In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

4. Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday. Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805. The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/

Primary Examiner, Art Unit 3689